

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed January 13, 2004. Upon entry of the amendments in this response, claims 1, 20 – 21, 24 - 31 remain pending. In particular, Applicant has amended claims 1, 20, and 24 - 27 and has canceled claims 2, 11, 15 – 19 and 22 - 23 without prejudice, waiver, or disclaimer. Applicant has canceled claims 2, 11, 15 – 29 and 22 - 23 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### Rejections under 35 U.S.C. §103

The Office Action indicates that claims 1 – 2, 15 – 17 and 20 - 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kurosawa*. With respect to claims 2, 15 – 17 and 22, Applicant has canceled these claims and respectfully asserts that the rejection as to these claim has been rendered moot. With respect to the remaining claims, Applicant respectfully traverses the rejection.

In particular, claim 1 has been amended to recite:

1. A self massage device for mounting to a surface, said self message device comprising:
  - a base having a top surface, a bottom surface ***and an outer periphery, said outer periphery having a substantially rounded exterior surface, said base being substantially crescent shaped, rigid*** and adapted to withstand pressure applied thereto;
  - a pair of massage members, wherein each massage member has a substantially circular cross-section, wherein each massage member is a

substantially ellipsoid arc-shaped handle that is affixed to said top surface of said base and extends therefrom, said pair of massage members being substantially rigid and adapted to withstand pressure applied thereagainst, *wherein said pair of massage members are configured in a substantial V-shape, the massage members being aligned with the base such that the apex of the V-shape is located at approximately the center of the crescent-shaped base, with each end of the V-shape being located at a respective end of the crescent-shaped base, wherein a gap is disposed between the proximal ends of the massage members, wherein the substantially ellipsoid arc-shaped handle enables a user to carry the device*, and wherein the substantially ellipsoid arc shape of each massage member together with the circular cross-section of each massage member, enables said pair of massage members when engaged to deep skeletal muscle fasciculi endomysium, to capture deep myofibril length of tissue of the muscle fasciculi endomysium and isolate parallel portions of tissue of the muscle fasciculi endomysium; and

*suction cups affixed to said bottom surface of said base and extending therefrom, each of said suction cups being located beneath a respective end of the ends of the massage members such that said suction cups are configured in a substantial V-shape*, said suction cups being adapted to enable said base to be removably attached to a surface and support said base and said massage members while pressure is applied thereto.  
(Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of anticipating and/or rendering obvious at least the features/limitations emphasized above in claim 1. Since the cited art of record does not teach or reasonably suggest at least these features, Applicant respectfully asserts that claim 1 is in condition for allowance. Additionally, the remaining claims are dependent claims that incorporate all the features/limitations of claim 1. Therefore, it is respectfully asserted that these claims also are in condition for allowance.

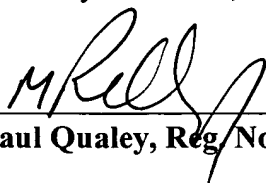
#### **Prior Art Made of Record**

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

## CONCLUSION

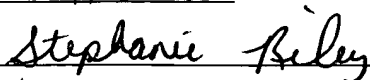
In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 20 – 21, 24 - 31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 4/12/04.

  
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Signature